

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

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In re: MICHAEL J. RANKIN  
LINDA J. RANKIN

Case No. 09-37264-svk

Chapter 7

Debtors

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**DEBTORS' BRIEF IN SUPPORT OF  
MOTION TO REOPEN CASE**

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The debtors, Michael J. Rankin and Linda J. Rankin, by their attorney, Michael G. Mack, have moved the Court to reopen their bankruptcy case, on which case a Discharge was granted on April 5, 2010, seeking to subsequently file a motion for declaratory judgment to determine that the indicated debt is subject to the debtors' Discharge and possibly a motion for contempt against the creditor, Grandview Plaza I, LLC, and their counsel if the motion to reopen is granted.

The only issue before the Court at this time is whether to grant the debtors' motion to reopen a closed bankruptcy to allow the debtors to file a declaratory judgment action as to the dischargeability of the debt to the creditor, Grandview Plaza I, LLC. The creditor in question was omitted from the original schedules when the debtors filed chapter seven bankruptcy in 2009. The creditor's extensive arguments relating to whether the debt is dischargeable are premature at this stage of the proceedings. Bankruptcy Code §350(b) provides: "A case may be reopened in the Court in which such a case was closed to administer assets, to accord relief to the Debtor, or for other cause."

The debtors seek relief due to the creditor attempting to collect from the debtor, and garnishing his earnings, in State Court on a debt which the debtor claims was discharged in this no-asset, no-bar-date bankruptcy case. The debtors respectfully submit that it is appropriate to allow them to reopen the closed bankruptcy case so that they can file a declaratory judgment action to determine whether the omitted debt is dischargeable under the provisions of §523(a) (2), (4), or (6) and, perhaps a contempt action.

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